

DEC 28 2007

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JACQUES MELEK,

Plaintiff - Appellant,

v.

BEN T. KAYASHIMA; et al.,

Defendants - Appellees.

No. 06-56062

D.C. No. CV-06-00331-R

MEMORANDUM \*

Appeal from the United States District Court  
for the Central District of California  
Manuel L. Real, District Judge, Presiding

Submitted December 20, 2007\*\*

Before: GOODWIN, WALLACE, and HAWKINS, Circuit Judges.

Jacques Melek appeals pro se from the district court's judgment dismissing for lack of subject matter jurisdiction his action under 42 U.S.C. § 1983 alleging constitutional violations and a state law claim stemming from the reassignment of

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

his state court civil cases to a different state court judge. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court’s jurisdictional dismissal based on the *Rooker-Feldman* doctrine. *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003). We affirm.

The district court properly concluded that the *Rooker-Feldman* doctrine bars Melek’s action because it is a “forbidden de facto appeal from a judicial decision of a state court,” and raises constitutional claims that are “inextricably intertwined” with that prior state court decision. *Id.* at 1158; *see also Doe & Assocs. Law Offices v. Napolitano*, 252 F.3d 1026, 1030 (9th Cir. 2001) (the *Rooker-Feldman* doctrine bars review of interlocutory state court decisions). Because the district court lacked federal subject matter jurisdiction, it properly declined to exercise supplemental jurisdiction over Melek’s state law claim. *See* 28 U.S.C. § 1367(c)(3); *Brown v. Lucky Stores, Inc.*, 246 F.3d 1182, 1187 (9th Cir. 2001) (appellate court reviews for abuse of discretion a district court’s decision whether to retain jurisdiction over supplemental claims when original federal claims are dismissed).

Melek’s remaining contentions are unpersuasive.

Melek's motion to consolidate is denied as moot.

**AFFIRMED.**